

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2011-142899-001 DT

12/04/2012

HONORABLE BRUCE R. COHEN

CLERK OF THE COURT

T. Gatz

Deputy

STATE OF ARIZONA

KEVIN KIYOSHI OKANO

v.

GABRIEL JOHN SANCHEZ (001)

DOB: 08/15/1977

JUSTIN BERESKY

APO-SENTENCE IMPRISON-CCC

APPEALS-CCC

AZ DOC

DISPOSITION CLERK-CSC

SENTENCE OF IMPRISONMENT

9:20 a.m.

Courtroom 6B SCT

State's Attorney:	Kevin Okano
Defendant's Attorney:	Justin Beresky
Defendant:	Present

Court Reporter, Gail Ferguson, is present.

A record of the proceeding is also made by audio and/or videotape.

Count(s) 3, 4 and 5: The Defendant was found guilty after a trial by jury.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

**OFFENSE: Count 3: MISCONDUCT INVOLVING WEAPONS WITH ONE
PRIOR FELONY CONVICTION**

Class 4 felony

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A.R.S. § 13-3101, 13-3102, 13-3105, 13-701, 13-702 and 13-801

Date of Offense: 03/04/2011

Non Dangerous - Repetitive

**OFFENSE: Count 4: AGGRAVATED ASSAULT WITH ONE PRIOR FELONY
CONVICTION**

Class 3 felony

A.R.S. § 13-1203, 13-1204, 13-3105, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702
and 13-801

Date of Offense: 03/04/2011

Non Dangerous - Repetitive

**OFFENSE: Count 5: AGGRAVATED ASSAULT WITH ONE PRIOR FELONY
CONVICTION**

Class 3 felony

A.R.S. § 13-1203, 13-1204, 13-3105, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702
and 13-801

Date of Offense: 03/04/2011

Non Dangerous - Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 3: 4.5 year(s) from 12/04/2012

Presentence Incarceration Credit: 474 day(s)

Presumptive

Sentence is concurrent with Count 4 and Count 5.

Count 4: 6.5 year(s) from 12/04/2012

Presentence Incarceration Credit: 474 day(s)

Presumptive

Sentence is concurrent with Count 3 and Count 5.

Count 5: 6.5 year(s) from 12/04/2012

Presentence Incarceration Credit: 474 day(s)

Presumptive

Sentence is concurrent with Count 3 and Count 4.

Pursuant to A.R.S. § 13-703 or 13-704, the Court finds that the Defendant has been convicted of the following prior felony offenses:

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POSSESSION OF WEAPON, a Non Dangerous felony committed on 06/21/2005 and convicted on 11/18/2005 in 785015050062, Cheyenne , Laramie County, Wyoming.

The Defendant was represented by counsel.

Community Supervision: Counts 3, 4 and 5 - Imposed pursuant to A.R.S. § 13-603(I).

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes and pay the applicable fee for the cost of that testing in accordance with A.R.S. § 13-610.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

LET THE RECORD REFLECT that the Defendant was found not guilty after a jury trial as to Counts 1 and 2.

Both parties concur that there is an error in the presentence report, an alleged prior conviction from Tucson does not involve this Defendant. The parties therefore concur that the Defendant has 3 prior felony convictions.

IT IS ORDERED withdrawing counsel as attorney of record for Defendant with the expectation that counsel shall direct Defendant as to how to invoke his appeal rights in this matter.

9:34 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE BRUCE R. COHEN
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)